



U.S. Department of Justice

Criminal Division **FILED**
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Child Exploitation and Obscenity Section

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U.S. DISTRICT COURT
DISTRICT OF MASS.

October 19, 2005

The Honorable George A. O'Toole, Jr.
United States District Court for the
District of Massachusetts
John Joseph Moakley Courthouse
1 Courthouse Way, Suite 4710
Boston, Massachusetts 02210

RE: United States v. Darren F. Wilder
04-10217-GAO

Dear Judge O'Toole,

Today I have filed a motion in opposition to Defendant's motion to compel discovery which was filed on September 9, 2005.

Unfortunately, there was a misunderstanding between myself and Mr. Peter Horstmann, counsel for Defendant in the above-reference case concerning the filing of his motion to compel discovery. I learned just today that the motion was filed. In discussions with Mr. Horstmann, he states and his motion indicates he sent me notice *via* email. In the email I received, it was my impression Mr. Horstmann was simply seeking my opinion as to whether I would provide the materials he requested without the need for such a motion. I did not receive a copy of said motion *via* fax as had been the prior practice. My apologies for the mis-understanding.

The Government does oppose Defendant's motion and has filed a separate pleading in opposition.

Sincerely yours,

Sherri A. Stephan *By Jh*
Sherri A. Stephan

cc: Peter C. Horstmann